

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**EAGLE VIEW TECHNOLOGIES, INC.
and PICTOMETRY INTERNATIONAL
CORP.,**

Plaintiffs,

v.

GAF MATERIALS LLC,

Defendant.

Case No. 1:21-cv-10669-RMB-SAK

**DECLARATION OF VISHAL LADDHA IN SUPPORT OF GAF MATERIALS LLC'S
MOTION TO TRANSFER TO THE DISTRICT OF UTAH**

I, Vishal Laddha, declare as follows:

1. I am the Director of Marketing for Contractor - Partner Programs at GAF Materials LLC (“GAF”). GAF’s primary business is manufacturing and selling roofing, waterproofing, and insulation for residential homes and commercial properties. I have been employed by GAF since June of 2017.
2. I make this declaration in support of Defendant’s Motion to Transfer to the District of Utah. The statements made herein are based on my personal knowledge, and, if called as a witness, I could testify competently to each fact contained herein.
3. GAF has a manufacturing plant that is located at 5080 West Highway 56, Cedar City, Utah 84720. This facility has been operational since at least 2014, as has been publicly reported in GAF press releases that are available, for instance, at https://www.gaf.ca/about_gaf/press_room/press_releases/542638080. This 541,000 square foot manufacturing plant sits on 78 acres, and is where dozens of GAF employees are based.
4. I understand that in this litigation, Plaintiffs Eagle View Technologies, Inc. and Pictometry International Corp. (“Plaintiffs”) accuse GAF’s QuickMeasure roof reports and the software used to generate those reports of infringing nine of their patents. I am aware of no instance, prior to the filing of this action, when Plaintiffs ever asserted any claims of patent infringement against GAF, based on QuickMeasure or any other aspect of GAF’s business.
5. GAF’s QuickMeasure is based on third-party proprietary software that delivers accurate, automated roof measurements in generally less than one hour for single-family homes and in generally less than 24 hours for multi-family and commercial properties.
6. Since GAF began offering QuickMeasure roof reports in 2019, I have been responsible for managing and overseeing GAF’s relationships with the vendors who approached

GAF, and who designed, developed, and/or utilize the third-party proprietary software that is referenced in the Complaint. In particular, at all times since they were first offered in 2019, GAF's QuickMeasure reports have been produced to GAF based on a partnership between two third-parties: Primitive LLC (d/b/a Pushpin) ("Pushpin") and Nearmap US Inc. ("Nearmap"). GAF branding is used to white-label QuickMeasure reports. GAF regularly sells QuickMeasure reports to its contractors in Utah.

7. My understanding is that QuickMeasure reports are generated in part based on aerial images of rooftops. GAF does not capture and has never captured any of the aerial images that are used to generate a QuickMeasure report. My understanding is that the aerial images that are used to generate a QuickMeasure report are captured and maintained by Nearmap. In marketing presentations and webinars that I have given that relate to QuickMeasure, including a webinar with JobProgress that was recorded on April 28, 2021, I have generally referred to "our aerial imagery," or noted that "we" would be adding coverage or that "we" would "start[] flying" in certain new areas, such as South Jersey. I was using shorthand terminology in order to keep the focus of these presentations on the relevant aspects of QuickMeasure for the intended audience of roofing contractors, who deal only with GAF in connection with QuickMeasure Reports (and would not be aware of the role of Pushpin or Nearmap in creating those reports). But the only entity that I am aware of who has done any "flying" of new coverage areas or that has maintained or controlled aerial imagery relating to QuickMeasure is Nearmap.

8. GAF did not develop or participate in the development of any of the software, hardware, databases, or algorithms that are utilized to generate the components of QuickMeasure reports, including the 3D mesh that is utilized in the generation of such reports. Any of the foregoing materials that are used to generate QuickMeasure reports were developed and/or

acquired by Pushpin and/or Nearmap. GAF has never seen and has never had any input into the creation of any of the algorithms, databases, or software used to generate the 3D mesh that is utilized in connection with a QuickMeasure report. Nor has GAF created any software development roadmap that Nearmap or Pushpin have used in connection with their development efforts. When I referred to "our roadmap" relating to QuickMeasure in a webinar with JobProgress that was recorded on April 28, 2021, I was referring to the efforts that have been undertaken by the Nearmap-Pushpin partnership, and to GAF's desire for the members of that partnership to add certain capabilities to the GAF technology, rather than referring to in-house software development efforts at GAF.

9. GAF does not create or modify any 3D meshes in connection with the generation of a QuickMeasure report. To the extent that any 3D meshes have been or are created, modified, or otherwise used to generate a QuickMeasure report, those have been managed by Nearmap and/or Pushpin.

10. GAF did not create and does not have access to any source code, specifications, schematics, flow charts, artwork, formulas, or other documentation sufficient to show the operation, composition, or structure of the systems and software used to generate QuickMeasure reports. To the extent that any such documents exist, they are in the possession of Pushpin and/or Nearmap.

11. To my knowledge, there is no one at GAF who is knowledgeable about the source code, specifications, schematics, flow charts, artwork, formulas, or other documentation sufficient to show the operation, composition, or structure of the systems and software used to generate QuickMeasure reports. My understanding is that the individuals with knowledge about the foregoing topics are current or former employees of Pushpin and/or Nearmap. GAF's

knowledge about QuickMeasure is generally limited to marketing efforts, commercial relationships, and website design. To the extent that any GAF employees have any knowledge of those aspects (marketing efforts, *etc.*) of QuickMeasure, those employees are based in northern New Jersey.

12. To my knowledge, the research, development, testing, and operation of the software used to produce QuickMeasure reports all took place at locations other than those in New Jersey, and were supervised by individuals associated with Nearmap and/or Pushpin. In addition, to my knowledge, all of the equipment, including any servers, databases, and other computer-related systems for producing QuickMeasure reports are located outside of New Jersey.

13. Neither Pushpin nor Nearmap is based in New Jersey. Pushpin is based in Minneapolis, Minnesota, while Nearmap is based in South Jordan, Utah, a suburb of Salt Lake City.

14. None of my contacts at Pushpin or Nearmap is based in New Jersey.

15. My principal point of contact at Nearmap relating to QuickMeasure has been John Ford, a strategic account executive based in Seeley Lake, Montana. I also understand that critical information relating to the generation of QuickMeasure reports is likely to be in the possession of Amanda Marchetti, Nearmap's product manager in South Jordan, Utah; Tony Agresta, Nearmap's VP of Sales for North America, in South Jordan, Utah; and Robert Newman, Nearmap's Chief Executive Officer, Tom Celinski, Nearmap's Chief Technology Officer, Stephen Neale, Nearmap's Product Manager, and Mary Cudmore, who is involved in Nearmap's analytics, all of whom are based in the Sydney area of Australia.

16. My understanding is that the individuals in the preceding paragraph are likely to have relevant information regarding QuickMeasure and the allegations in this lawsuit, and therefore are likely to be third-party witnesses in this matter.

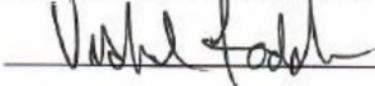
17. My principal points of contact at Pushpin relating to QuickMeasure have been Randy Milbert, Pushpin's CEO, and Grady Hannah, Pushpin's Vice President of Business Development. Mr. Milbert and Mr. Hannah are both based in the Minneapolis area of Minnesota. I understand that Mr. Hannah left Pushpin about 18 months ago, but is still based in that same location.

18. My understanding is that the individuals in the preceding paragraph are likely to have relevant information regarding QuickMeasure and the allegations in this lawsuit, and therefore are likely to be third-party witnesses in this matter.

19. As far as I am aware, there are no third-party employees or documents located in New Jersey that relate to QuickMeasure and that are likely to be relevant to this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of August, 2021 in Parsippany, New Jersey.



Vishal Laddha